

Appl. No. 10/806,989  
Amtd. Dated June 1, 2006  
Reply to Office Action of December 1, 2005

Docket No. CE11847JSW

**Claim Status**

Claims 1, 10, 11, 17, and 18 have been rewritten. Claims 1-23 remain in the application.

**REMARKS/ARGUMENTS**

Claims 1, 3-6, 10-11, 13-14, 17-18, and 20-21 were rejected under 35 USC 102(b) over Najafi (US 2002/0198980).

Claims 2, 7-9, 12, 15-16, and 22-23 were rejected under 35 USC 103(a) over Najafi in view of Kossi et al. (US 2005/0172016).

The present invention claims a system and method for arbitrating between a local engine and a network-based engine. These engines are software application which process speech or text information so that speech can be recognized, or the text can be converted to speech. When the mobile communication device receives speech signals or text for processing by an engine, the mobile communication device looks at least one factor among available bandwidth, signal quality, latency indication, desired application need, cost, background noise, and unsuccessful attempts on a given channel. The mobile communication device then selects either the local engine or the network-based engine to handle the processing of the speech or text information. It is not deciding on a channel over which to transmit data, but is instead choosing a location at which the processing will occur.

Najafi, conversely, is an asset management system which makes reports over various networks, and decides over which network to transmit the report via a network selection engine 310. The Rejection contends that Najafi shows the claim limitation of "determining available networks." This appears to be correct, however this is not a claim limitation claimed by Applicant. What Applicant has claimed in claim 1, for example, is determining at least one factor from among several. Determining available networks is not one of the factors listed. This is because Applicant's invention is not concerned with choosing the best network over which to transport data, rather, it is concerned with the best place at which to have data processed. The speed at which it is desired to have the data processed figures into the step of determining at least one factor, as is indicated in FIG. 3, box 58. If speed is necessary, then the preference is process the data locally. This is not analogous to selecting the best network for transmitting data.

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Claims 11 and 17, and 18 have similar language regarding determination of factor for selecting between the local engine and the network-based engine. Najafi shows a system which selects a network over which the *transmit* data, and Applicant's invention claims a system which selects a location at which to *process* data. Thus Najafi further fails to show Applicant's claim limitation of automatically selecting between the local engine and the network-based engine for processing the data. Accordingly, Applicant believes Najafi fails to show Applicant's claimed limitations of all independent claims 1, 11, 17, or 18, and believes these claims are allowable over Najafi. Furthermore, Applicant believes the remaining dependent claims are likewise allowable.

No amendment made was for the purpose of narrowing the scope of any claim. The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any fee due, or credit any overpayment, to Motorola, Inc., Deposit Account Number 50-2117.

Respectfully submitted,

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